

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GERALD J. BARON,	:	CIVIL ACTION NO. 1:15-CV-2305
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
NANCY A. BERRYHILL, Acting	:	
Commissioner of Social Security,¹	:	
	:	
Defendant	:	

ORDER

AND NOW, this 2nd day of March, 2017, upon consideration of the report (Doc. 13) of Magistrate Judge Gerald B. Cohn, recommending the court vacate the decision of the administrative law judge denying the application of plaintiff Gerald J. Baron (“Baron”) for disability insurance benefits and supplemental security income, and remand this matter for further proceedings and development of the record, wherein Judge Cohn opines that the administrative law judge’s decision is not “supported by substantial evidence,” 42 U.S.C. § 405(g), and it appearing that neither Baron nor the Commissioner of Social Security (“Commissioner”) objects to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing

¹ Carolyn W. Colvin (“Colvin”) was Acting Commissioner of Social Security when the instant action was filed against her in her official capacity. On January 23, 2017, Nancy A. Berryhill succeeded Colvin as Acting Commissioner. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted as the defendant in this action. See FED. R. CIV. P. 25(d).

Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Cohn’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 13) of Magistrate Judge Cohn is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of Baron and against the Commissioner as set forth in the following paragraph.
3. The Commissioner’s decision denying Baron’s application for disability insurance benefits and supplemental security income is VACATED. This matter is REMANDED to the Commissioner with instructions to conduct a new administrative hearing, develop the record fully, and evaluate the evidence appropriately in accordance with this order and the report (Doc. 13) of Magistrate Judge Cohn.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania